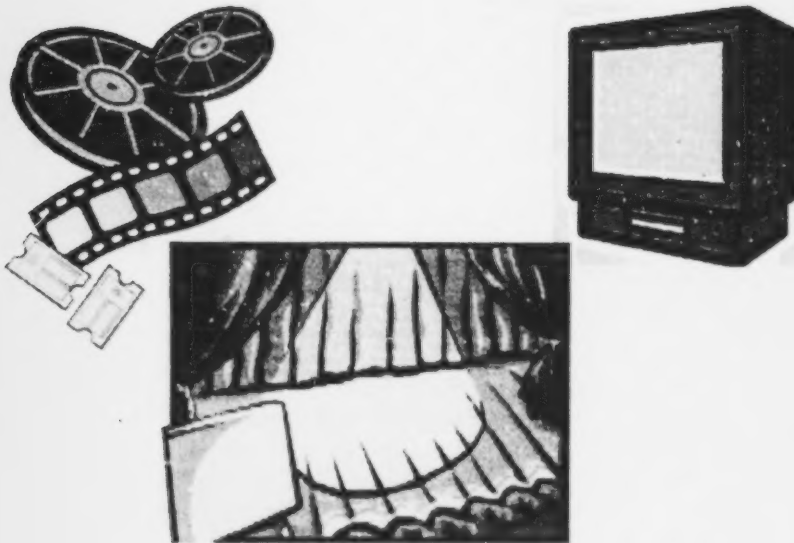
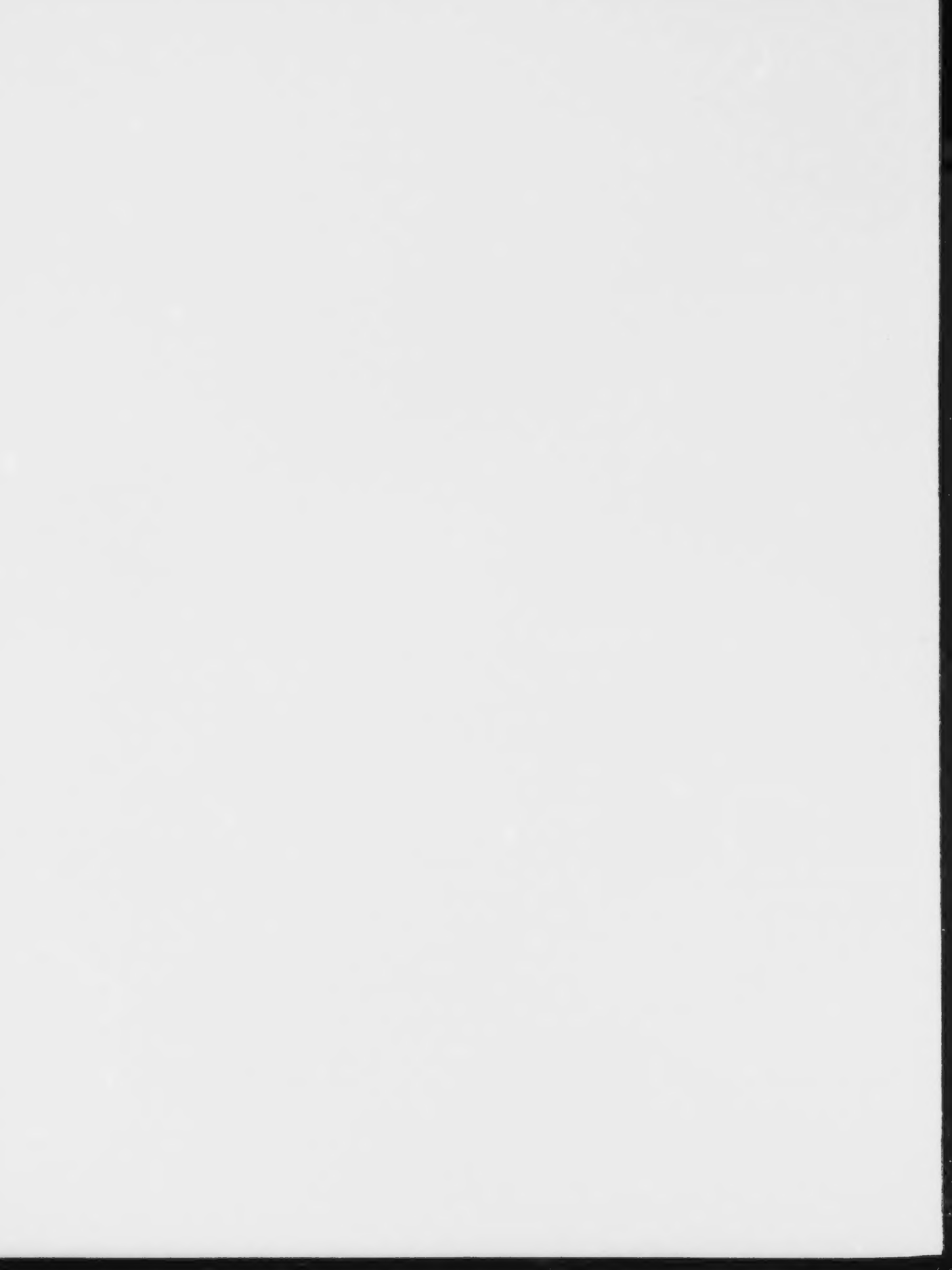


# Child Performers Guideline

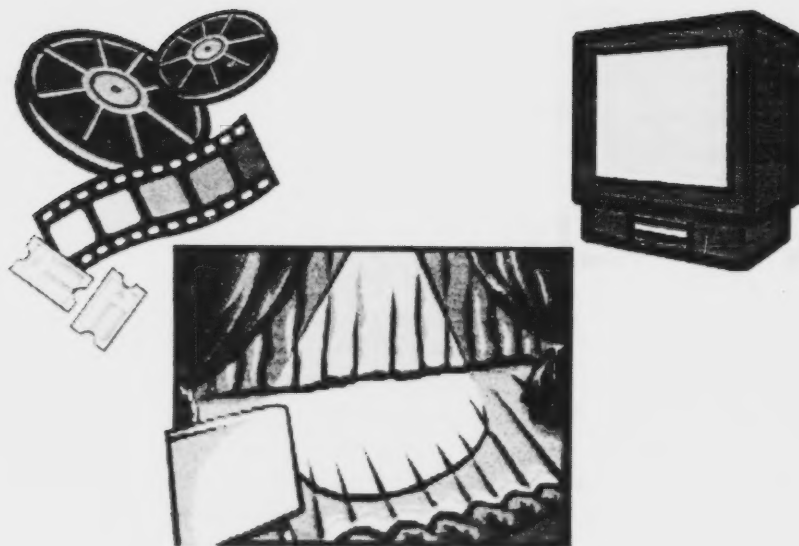


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*Health and Safety  
Guidelines*



# Child Performers Guideline



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Published April 2007

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ISBN 978-1-4249-3967-1 (Print)

ISBN 978-1-4249-3968-8 (HTML)

ISBN 978-1-4249-3969-5 (PDF)

Le présent document est aussi disponible en français sous le titre « Directives concernant les enfants artistes » [ISBN 978-1-4249-3970-1 (version imprimée), ISBN 978-1-4249-3971-8 (version HTML), ISBN 978-1-4249-3972-5 (version PDF)].

# CHILD PERFORMERS

## INTRODUCTION

This guideline has been developed for paid child performers in the entertainment industry who are working in live performance, film, television, or another recorded medium. Where tutoring or travel is part of the workday, these guidelines also apply.

Child performers are special and need particular care and protection. Many aspects of the workplace or of work activities represent a potential level of risk that is much higher for children than it would be for adults. This may result from the child's smaller physical size, lower tolerance to chemical hazards or temperature extremes, shorter attention span, and the expectation that child performers may not behave responsibly at all times with respect to their own health and safety, among other factors.

All workplace parties must be guided by what is in the best interests of the child performer. Child performers must be treated with respect at all times. No child performer may be physically punished or subjected to other harmful, frightening or humiliating treatment. Parents have an important role to play when their children are contracted to work, and must be included in discussions about the roles and responsibilities of the workplace parties, the parents and the child performer.

A child performer joint subcommittee, with members from the Ministry of Labour's Live Performance and Film and Television Health and Safety Advisory Committees, has developed this guideline. This guideline should be read in conjunction with either of the following sets of guidelines, whichever is applicable: the *Safety Guidelines for the Live Performance Industry in Ontario* or the *Safety Guidelines for the Film and Television Industry in Ontario*. The measures in the above guidelines should be considered to apply to child performers, except where there are specific and more stringent measures for child performers in this guideline. If applicable, the relevant industry agreement between the parties should also be read in conjunction with this guideline.

The measures in this guideline represent best practices within the industry when dealing with child performers; however, they are not legal requirements. Inspectors with the Ministry of Labour may refer to the measures in Part II of this guideline in determining whether employers have taken every precaution reasonable in the circumstances for the protection of child performers as required under the *Occupational Health and Safety Act (OHSA)*.

## **TERMS IN THIS GUIDELINE**

**Chaperone** means an adult appointed in writing by the parent, or legal guardian, to act on his or her behalf. A member of the production team should not function as a chaperone.

**Child Performer** means a paid performer less than eighteen years of age.

**Childproofed** means made safe for young children. A room can be childproofed by preventing access to potential hazards or by removing potential hazards.

**Directed Activity** means any activity related to performance or rehearsal, on-stage or off-stage (such as exiting in a blackout, getting into a specific position, etc.) that could lead to bodily injury without proper precautions and behaviour.

**Employer** is defined in the *OHSa* as "a person who employs one or more workers or contracts for the services of one or more workers..." A person who qualifies as an employer under the *OHSa* has legal duties with respect to workers, including child performers. The term "employer" is not commonly used in the entertainment industry. For the purposes of this guideline, the producer or engager would generally be considered the employer, as defined under the *OHSa*.

**Infant Performer** means a Child Performer who is less than two-years-old.

**Parent** means a person having custody of the child as provided for by the *Children's Law Reform Act*.

**Special Skill** means an activity that requires a level of physical proficiency or other physical skill superior to that of the average child.

**Supervisor** is defined in the *OHSa* as "a person who has charge of a workplace or authority over a worker". A person who qualifies as a supervisor under the *OHSa* has legal duties with respect to workers, including child performers.

## **THE STRUCTURE OF THIS GUIDELINE**

### ***Part I: Application of the OHSA to Child Performers***

The *OHSA* places specific rights and obligations on workplace parties, such as employers and workers, and these are enforceable as a matter of law. Part I of this guideline refers generally to those obligations, and directs readers to the *OHSA* and its regulations.

### ***Part II: Health and Safety Measures***

Part II of this guideline is intended to assist employers and supervisors in the entertainment industry in complying with their legal duty under the *OHSA* to take every precaution reasonable in the circumstances to protect child performers. Ministry of Labour inspectors are provided with, and are expected to be familiar with, this Child Performers guideline. They are encouraged to look to the measures in Part II of this guideline as reasonable precautions to protect the health and safety of child performers, but may require different measures depending on the specific circumstances of a situation. In any event, it is the *OHSA* and its regulations that must be complied with as a matter of law and not this guideline.

### ***Part III: Industry Standards***

The Ministry of Labour recognises these additional industry-supported standards as part of a broader commitment to the health and safety of child performers, even though the industry standards in Part III of this guideline do not fall within the scope of the *OHSA*. Workplaces within the entertainment industry are strongly encouraged to incorporate them into their workplace practices.

## **PART I: APPLICATION OF THE *OHSA* TO CHILD PERFORMERS**

The *OHSA* regulates health and safety in workplaces by establishing rights and duties on the various participants in the workplace, such as employers, supervisors, workers, directors and officers, and owners of workplaces. In entertainment industry workplaces, Ministry of Labour inspectors will apply the requirements of the *OHSA* and the relevant regulations, such as the Regulation for Industrial Establishments, the Regulation for Workplace Hazardous Materials Information System (WHMIS), and the Regulation for Construction Projects.

The *OHSA* was designed with respect to workers in general. Consequently, child performers have the same protections and rights under the *OHSA* and its regulations as any other worker. The employer must fulfill his or her duties with respect to a child performer during the time he or she is in the workplace.

Three employer responsibilities that are particularly important to child performers are summarized below, as well as the right to refuse unsafe work.

### ***General Duty***

Under clause 25(2)(h) of the *OHSA*, the employer is required to take every precaution reasonable in the circumstances for the protection of a worker. No child performer shall be required to do work activities or to work in an environment where the child's health or safety may be endangered.

### ***Duty to Provide Supervision***

Under clause 25(2)(a) of the *OHSA*, the employer must provide supervision to a worker to protect the health or safety of the worker. The adult supervision provided to a child performer should be appropriate to the risk level present in the workplace, and to the age(s) and number of child performers.

The job title of the person assigned to supervise a child performer may differ, depending on the type of production. A person who qualifies as a supervisor under the *OHSA* has legal duties with respect to workers, including child performers.

### ***Duty to Provide Information and Instruction***

Under clause 25(2)(a) of the *OHSA*, the employer must provide information and instruction to a worker to protect the health or safety of the worker. Under clause 25(2)(d) of the *OHSA*, the employer must acquaint a worker or a person in authority over a worker with any hazard in the work.

Therefore, a child performer must be acquainted with any hazards associated with the specific activities that he or she will be expected to perform.



In addition, a child performer must be given adequate instruction and rehearsal time (i.e. repeated as necessary) for the specific activities he or she is to perform, as necessary to protect his or her health or safety.

### ***Right to Refuse Work***

Under subsection 43(3) of the *OHS*A, a worker has the right to refuse work that he or she believes is likely to endanger himself, herself, or another worker.

## **PART II: HEALTH AND SAFETY MEASURES**

Part II of this guideline is intended to assist employers and supervisors in the entertainment industry in complying with their legal duty under the *OHS*A to take every precaution reasonable in the circumstances to protect child performers. Ministry of Labour inspectors are provided with, and are expected to be familiar with, this Child Performers Guideline. They are encouraged to look to the measures in Part II of this guideline as reasonable precautions to protect the health and safety of child performers, but may require different measures depending on the specific circumstances of a situation. In any event, it is the *OHS*A and its regulations that must be complied with as a matter of law and not this guideline.

### ***Orientation and Training***

Part I of this guideline outlines the requirement to provide information and instruction to a child performer to protect his or her health or safety (under clause 25(2)(a) of the *OHS*A) and to acquaint a child performer with any hazard in the work (under clause 25(2)(d) of the *OHS*A).

A child performer should be given orientation training to the workplace that is adequate and appropriate to their age. Orientation training should include:

- Health and safety precautions for the venue or location;
- Traffic patterns backstage or on location;
- Safe waiting areas for child performers backstage or on location;
- Restricted areas;
- Location of rest areas/rooms, toilets, makeup areas, and other relevant rooms;
- Emergency procedures; and,
- Who to talk to about hazardous conditions and what actions to take.

Depending on the circumstances, anyone charged with the care of a child performer (such as a parent, chaperone, minor's co-ordinator, or tutor) should be given the same information. Written sign-off should be obtained from the child performer and/or the

parent or person charged with the care of the child performer, to ensure that this orientation has taken place.

A child performer should be made aware of all known hazards of his or her work environment and of measures and procedures to control them. This training should be given:

- at the time of engagement;
- when there are any additional hazards identified due to changes in the work environment or changes in the specific activities to be performed;
- before rehearsing or performing any new or amended scene; and,
- when repetition is appropriate to remind a child performer of the hazards.

Depending on the circumstances, anyone charged with the care of a child performer (such as a parent, chaperone, minor's co-ordinator, or tutor) should receive the same information.

### ***Hours of Work and Breaks***

In order to address the health and safety of an infant or child performer, the hours of work should be appropriate to the age of the infant or child and should take into account his or her need for sleep, physiological needs, and response to workplace conditions. The hours of work may include the length of the workday, the length of the workweek, the start and finish times of work, and the time off between shifts.

Food and rest breaks should be scheduled with a frequency that is appropriate to the age of the infant or child performer.

Depending on the nature of the engagement (i.e. employer-employee situation), the requirements under the *Employment Standards Act, 2000* may apply.

Part III of this guideline contains industry best practices on hours of work and breaks for child performers.

### ***Hand Props, Costumes, Make-up, Wigs and Hair Products***

The age and size of a child performer should be taken into account in all stages of design, purchase, construction and use of hand props, wigs, and costumes. Costumes should be designed to avoid slipping or tripping hazards, or items that might catch or become entangled, such as belts or straps.

The size of hand props to be used by a child performer under the age of three, or an older child who still puts small objects into his or her mouth, should be in accordance with the consumer products safety requirements of Health Canada.

The jewellery used by a child performer should be in accordance with the consumer products safety requirements of Health Canada.

Information on a child performer's skin sensitivities should be collected before the child performer is provided with or exposed to costumes, jewellery, make-up, wigs, or hair products.

Make-up and hair care products provided to a child performer should be chosen with regard to the age and skin sensitivity of the child.

The person providing a child performer with costumes, jewellery, make-up, wigs, or hair products should check for negative skin reactions, as appropriate.

### ***Travel in Vehicles (on public roads, closed roads and private property)***

The employer shall provide supervision to a child performer to protect his or her health and safety (clause 25(2)(a) of the *OHS*A), including travelling while at work (e.g. travel between sets or driving scenes). The employer should ensure that drivers hold valid licences appropriate to the vehicle being driven, that they operate the vehicles in accordance with the law, and that the vehicles are safe to operate.

### **During Performance**

A child performer who performs in a moving vehicle shall be safely seated in the vehicle. When on public roads, a child performer shall be properly secured by a restraint system in accordance with the Regulation for Seat Belt Assemblies (Reg. 613) under the *Highway Traffic Act*. Where the performance is taking place on private property or on a road that has been closed for filming, and where it is not possible to secure a child performer in this manner (for example in period cars, wagons, sleighs, etc.), a risk assessment should be carried out and all reasonable precautions taken to protect the safety of the child.

### **Other**

A child performer who travels as part of the workday shall be safely seated in the vehicle, and properly secured by a seatbelt or the appropriate child restraint system in accordance with the Regulation for Seat Belt Assemblies (Reg. 613) under the *Highway Traffic Act*. The same types of travel restraint systems should be used when taxis are hired.

### ***Special Skills Activities***

As outlined in Part I of this guideline, no child performer shall be required to do work activities or to work in an environment where the child's health or safety may be endangered.

## **Live Performance**

No child performer should undertake a special skills activity unless he/she is qualified to perform the activity, or has been adequately trained in the skills needed to perform the activity safely. A child performer should be given adequate instruction, and adequate time for walkthrough(s) and/or rehearsal for any special skills activity to be performed.

When a child performer is to carry out a special skill in an environment or in circumstances that heighten the risk levels associated with that special skill, a risk assessment should be carried out and measures developed to protect the child performer, taking into account age, impulsiveness, and skill level.

## **Film, Television, and other Recorded Media**

No child performer should be required to perform if the child performer's parent believes the child performer is in a situation that places him or her in clear and present danger to life or limb.

## ***Smoke and Fog***

A child performer's exposure to special effect smoke or fog should be avoided. If smoke or fog must be used, the child performer's exposure should be minimized by limiting the time of their exposure, using the lowest concentration possible, and by using the least toxic or irritating product possible. Infant or child performers with respiratory problems such as asthma or reactive airway disorders should not be exposed to smoke or fog at any time. For general guidance on the use of special effect smoke and fog, see *Smoke Inhalation Guidelines, Safety Guidelines for the Film and Television Industry in Ontario* or *Fog and Smoke, Safety Guidelines for the Live Performance Industry in Ontario*.

## ***Exposure to Tobacco Smoke***

Under the *Smoke-Free Ontario Act* no person shall smoke or hold lighted tobacco in an enclosed workplace. In addition, no person shall sell or supply tobacco to a person who is less than 19-years-old.

At sets or venues where smoking is legally permitted, a child performer's exposure to tobacco smoke should be avoided. If tobacco or a tobacco-substitute must be used, the child performer's exposure should be minimized by limiting the time of exposure and by using the lowest concentration of smoke possible. All infant performers and child performers with respiratory problems such as asthma or reactive airway disorders should not be exposed to the smoke of tobacco or of a tobacco substitute at any time.

### ***Open Flames***

This section refers to open flames from such sources as candles, torches, campfires, and fireplaces. It does not deal with open flames that are associated with stunts. Alternatives to open flame should be seriously considered whenever there is a child performer present.

Extra care should be taken to protect a child performer from fire. Where open flame is permitted and will be used, a risk assessment should be carried out and measures developed to protect the child performer, taking into account his or her age and impulsiveness. Precautions include having fire extinguishers available, providing additional adult supervision, designing costumes with no trailing or dangling parts, and using materials that are flame resistant or treated with flame retardant that is suitable for use on children's clothing. Any trim or decoration applied to the costume after treatment with flame retardant should also be made of flame resistant materials or be treated with fire retardant.

Where open flame is permitted and will be used, a child performer shall be acquainted with any of the hazards associated with open flame and instructed in the measures and procedures required to work safely.

### ***Pyrotechnics, Explosives, and other Special Effects***

Alternatives to pyrotechnics, explosives, and other special effects should be seriously considered whenever there is a child performer present.

Extra care should be taken to protect a child performer from pyrotechnics, explosives, and other special effects. Where such special effects are permitted and will be used, a risk assessment should be carried out and measures developed to protect the child performer, taking into account his or her age and impulsiveness.

Where pyrotechnics, explosives, and other special effects are permitted and will be used, a child performer shall be acquainted with any of the hazards associated with the special effects and instructed in the measures and procedures required to work safely.

### ***Working around Animals***

Where animals are to be used in a production, extra care should be taken to protect child performers. A risk assessment should be carried out and measures developed to protect the child performers, taking into account their ages and impulsiveness.

Where animals are at the workplace, a child performer shall be acquainted with any of the hazards associated with the animals and instructed in the measures and procedures required to work safely. See the *Safety Guidelines for the Live Performance Industry in Ontario* or the *Safety Guidelines for the Film and Television Industry in Ontario* for more information on working with animals.

## ***Work Outdoors***

Child performers should be protected from high heat and humidity. In particular, infants and pre-school children are at risk in conditions of high heat and high humidity. In such conditions, precautions include providing a cool (and if possible, an air conditioned) area for rest periods, adequate hydration, and wearing costumes, headgear, and footwear that take weather conditions into account.

Child performers should be protected from cold. In such conditions, precautions include providing a warm area for rest periods, and using costumes, headgear, and footwear that take weather conditions into account.

Child performers who are working outdoors should avoid prolonged exposure to sunlight. When UV levels are high, precautions include providing shaded areas for rest periods, using sunscreen with a Sun Protection Factor (SPF) of 15 or higher, wearing sunglasses, and wearing clothing such as sun hats and tightly-woven clothing that covers as much of the body as is practicable.

Where mosquitoes or other biting insects may be present, a risk assessment should be carried out and measures taken to minimize the exposure of child performers. Precautions include wearing protective clothing (such as light-coloured clothing with long sleeves and legs), eliminating standing water at the workplace, using an effective insect repellent that is recommended for the age of the child by Health Canada, and providing respite areas for rest periods.

For more information on health and safety precautions at outdoor productions, see Outdoor Venues, *Safety Guidelines for the Live Performance Industry in Ontario*.

## ***Water Safety***

Where performances are to take place on or in the water, or at the water's edge, extra care must be taken to protect a child performer. A risk assessment should be carried out and measures developed to protect the child performers. Work in fast-flowing currents and transfers between vessels/small craft are particularly hazardous situations.

A child performer shall be adequately instructed in the safety precautions to be taken when working on or in the water, or beside the water.

All child performers working on or in the water, or at the water's edge, should be strong swimmers, or should wear the appropriate water safety devices, such as personal flotation devices. Qualified life-saving personnel and equipment (such as safety boats) should be available for the duration of the production activity.

Costumes should be designed to avoid slipping or tripping hazards, or items that might catch or become entangled, such as belts and straps. The weight of the costume should be taken into account when choosing personal flotation devices.



When working in water, the water temperature should be taken into consideration when considering the length of time to be spent in the water and any protective items needed. Post-immersion washing facilities should be available and used.

For further information, see the *Safety Guidelines for the Film and Television Industry in Ontario*.

### ***Playrooms***

A separate, childproofed playroom should be provided for child performers aged two to five, where feasible.

The size of toys and games used by child performers under the age of three, or older children who are still putting small objects into their mouths, must comply with the consumer products safety requirements of Health Canada.

The equipment and furnishings in the playroom should be maintained in a safe and clean condition and kept in a good state of repair.

### ***Changing Rooms***

Male and female child performers should have separate dressing rooms. Where feasible, the dressing rooms should be separate from those provided to adult performers. Fittings for child performers should be conducted individually, in a private changing room. At no time should the child performer be left alone in a closed room with only one person (with the exception of the parent or chaperone).

In the live performance industry, all quick changes should be planned and rehearsed to ensure the safety of the child.

### ***Other Precautions***

Where a child performer works directly or indirectly with the equipment or in the situations listed below, a risk assessment should be carried out and measures developed to protect the child performer, taking into account his or her age, physical size, and impulsiveness.

- Firearms and weapons
- Scenery, equipment or devices that are electrical, mobile or automated
- Exposure to high levels of sound
- Working at height
- Performer flying in the live performance industry
- Sickness and child performers

Specific health and safety measures on the topics above will be developed for future editions of this guideline.

### ***Care of Infant Performers***

In addition to the health and safety measures in this guideline that apply to child performers, this section outlines additional health and safety measures that should be taken when infant performers are at a workplace.

Trailer holding tanks should not be pumped while the infant is present or immediately prior to the infant performer's arrival. The trailer should be well ventilated prior to the arrival of the infant.

Hands should be washed before and after handling infants and after changing diapers.

Permission should be obtained from the parent prior to applying any substance to the infant's skin. When substances are used for altering an infant's appearance, provisions should be made for bathing the infant. The person providing an infant performer with costumes, jewellery, make-up, wigs, or hair products should check for negative skin reactions, as appropriate.

Substances that commonly cause allergic reactions should not be used to alter the appearance of the infant's skin, unless their use is specifically pre-approved by a medical doctor. Allergenic substances include, but are not limited to: raspberry or strawberry jams, jellies and preserves, glycerine, lubricating jellies and cosmetics.

Infants under the age of six months should not be exposed to direct sunlight.

Once costumes and hand props have been issued for use on/with an infant, the costume and hand props should not be reissued for another infant before laundering the wardrobe and disinfecting props.

A separate, sanitary, private, and warm room should be provided where the infant performer may play, eat, and rest. If the infant is mobile, the room should be childproofed.

Infant accessories, such as basinet, cribs, changing tables, toys and games must meet the consumer products safety requirements of Health Canada. They should be sanitized at the time of delivery to the workplace and on a regular basis. Infant accessories should not be exchanged from one infant to another without first having been sanitized. Bottles, nipples and pacifiers should never be exchanged among infants.

An infant performer diagnosed with a contagious illness should not be permitted to work until the infant's doctor gives him or her clearance to work in writing.



### **PART III: INDUSTRY STANDARDS**

Even though the industry standards in Part III of this guideline do not fall within the scope of the *OHSA*, the Ministry of Labour recognises these additional industry-supported standards as part of a broader commitment to the health and safety of child performers. Workplaces within the entertainment industry are strongly encouraged to incorporate them into their workplace practices.

#### ***Emergency Contact and Medical Information***

A parent of a child performer should provide the child's employer with current contact and emergency telephone numbers, the child's health card number, the name and number of the family doctor and pertinent medical information that would be useful in an emergency.

A parent of a child performer should complete and sign an emergency medical authorization form.

#### ***Appointment of a Chaperone***

The parent of a child performer may authorize, in writing, a chaperone to care for the child and act on his or her behalf. The chaperone must be an adult, and must not be a member of the production team.

#### ***Parental Accompaniment***

##### **Live Performance**

Where an infant or child performer is less than 2½-years-old, a parent should accompany him or her at all times while at the workplace.

##### **Film, Television, and other Recorded Media**

Where a child performer is less than 16-years-old, a parent should be at the location and accessible to the child performer at all times when the child performer is on set, accompany the child performer to and from the set, and accompany the child performer to hair, makeup and wardrobe.

When more than one infant performer of a parent is engaged on the same production at the same time, it is the responsibility of the parent to ensure that there is one adult to accompany each infant.

## ***Provision of Information to Parents***

### **At the Time of Engagement**

The employer should discuss the terms and conditions of engagement, including the script, exposure to scenes that include nudity or coarse language, any scenes that may cause psychological or emotional stress, the location of the work, and the hours of work, with a parent of a child performer. The parent should be informed of all known health and safety hazards to which the child may be exposed, and any special skill, special effect, or directed activity that will be performed. Wherever possible, the child performer should be included in these discussions.

The employer and the parent should discuss health and safety issues and other issues and agree on any precautions to protect the child performer. In the live performance industry, the agreement should be confirmed in writing.

The employer should provide the parent, and where appropriate the child performer, with copies of this Child Performers Guideline and Procedure for Work Refusal.

### **During the Engagement**

A parent should be included when a child performer is given orientation training to the workplace. Parents should also be included when a child performer is made aware of all known hazards of his or her work environment and of the specific activities to be performed.

The parent should be informed of changes to the script and to any special skill, special effect, or directed activity that will be performed, if the change involves the child. The parent should be informed about any changes to scenes that include exposure to nudity or coarse language or to scenes that may cause psychological or emotional stress. Both parties should agree to any such change before the child is required to rehearse or perform the changed scene. In the live performance industry, the agreement should be confirmed in writing at the earliest opportunity.

## ***Reporting and Resolving Health and Safety Concerns***

Under the *OHSA*, a worker has the right to refuse work where he or she has reason to believe that the physical condition of the workplace or any machine, equipment, device, or thing that he or she is to use is likely to endanger him, her, or another worker. There are circumstances where a child performer will not have the knowledge, forthrightness, or verbal skills to be able to recognize unsafe work. Therefore it is the responsibility of all adults at the workplace to look out for and protect the health and safety of child performers.

Anyone charged with the care of an infant or child performer (such as a parent, chaperone, minor's co-ordinator, or tutor) should take factors such as working conditions,

physical surroundings, signs of the infant's or child's mental or physical fatigue, and the demands placed upon the infant or child and advise the parent, the employer, the supervisor, etc., if, in their judgement, conditions are such as to present a danger to the health or safety of the infant or child.

The employer should encourage child performers and all adults in contact with child performers to identify health or safety concerns, and to bring them to the attention of the child performer's supervisor. Adults should be sensitive to the distress or discomfort expressed by infant or child performers, which could be an indication of health and safety issues.

The infant or child performer's supervisor should respond immediately to concerns by stopping the work, having a discussion with the child performer, and the adults charged with the care of the infant or child, attempting to resolve the issue and, if necessary, taking corrective action. If there is no resolution to the concern, the supervisor should refer the concern to the next level of supervision.

### *Travel to and from the Workplace*

#### **Live Performance**

The parent and the employer should agree in writing on suitable arrangements for transportation of the child performer to and from the workplace before the engagement begins.

Where a child performer is less than 10-years-old, he or she should not travel unaccompanied from the workplace. The child should be released only into the care of a person authorized by the parent. The parent should provide the employer with the names and contact information for people that they authorize to receive the child at the end of the workday.

Where a child performer is between 10 and 15-years-old, he or she may travel unaccompanied from the workplace, with a parent's written permission.

#### **Film, Television, and other Recorded Media**

The parent and the employer should agree in writing on suitable arrangements for transportation of the child performer to and from the workplace before the engagement begins. For more information, see the section on Parental Accompaniment.

Where a child performer is less than 16-years-old, a parent should accompany the child at all times while travelling to and from the workplace.

### ***Overnight Travel***

If it is necessary for a child performer to be away from home overnight, the child should be accompanied by his or her parent at all times that the child is away from the workplace.

### ***Care of Child Performers at the Workplace***

As outlined in Part I of this guideline, the employer must provide supervision to a child performer to protect his or her health or safety (under clause 25(2)(a) of the *OHSA*). The adult supervision provided to the child performer should be appropriate to the risk level present in the workplace, and to the age(s) and number of children present.

### **Live Performance**

A child performer should be cared for at all times while at the workplace. In the live performance industry, the person who is appointed to care for and supervise child performers is called a "child supervisor". This person should not be confused with the "supervisor" having statutory duties under the *OHSA* with respect to the child performer.

A sufficient number of "child supervisors" should be provided, depending on the age(s) of the child performer(s) and the circumstances. When the children are not rehearsing or performing, the "child supervisor" should not leave them unattended. When the "child supervisor" is on a break or otherwise unavailable, there should be an authorized suitable replacement. Where possible, a consistent "child supervisor" should be appointed for the length of the production to supervise the children.

Where an infant or child performer is less than 2½-years-old, a parent should accompany him or her at all times while at the workplace.

Where the lowest age of child performers is between 2½ and five years, there should be at least one "child supervisor" for every six child performers present.

Where the lowest age of child performers is between six and nine years, there should be at least one "child supervisor" for every 10 child performers present.

Where the lowest age of child performers is between 10 and 15 years, there should be at least one "child supervisor" for every 15 child performers present.

### **Film, Television, and other Recorded Media**

A child performer should be cared for at all times while at the workplace. When a child performer is engaged, one individual on each set or location should be designated as the "minor's coordinator" to coordinate all matters relating to the welfare and comfort of the child performer(s). On any set on which six or more child performers are engaged, the primary responsibility of the "minor's coordinator" should be the welfare and comfort of

the children, in which case "minor's coordinator" should not double as a tutor, unless all child performers are being tutored at the same time.

The parent(s) should be given the name of the individual designated as the minor's coordinator.

### ***Hours of Work***

As outlined in Part II of this guideline, the hours of work should be appropriate to the age of the infant or child and should take into account his or her need for sleep, physiological needs, and response to workplace conditions. The hours of work may include the length of the workday, the length of the workweek, the start and finish times of work, and the time off between shifts.

### **Live Performance**

Before the engagement, the employer and a parent of a child performer should agree on the rehearsal and performance schedule to be undertaken by the child.

For the purpose of this section only, school hours will be calculated as the span of time between the commencement of classes and dismissal. Work hours will be calculated as the span of time between beginning of the first work call and release.

Where a child performer is between 2½ and five-years-old, work hours should not exceed 32 hours in a six-day workweek, with no more than two eight-hour days. The child should be released from the workplace if not appearing in the last act or section of the performance.

Where a child performer is between six and nine-years-old, the combination of school and work hours should not exceed ten hours a day, when the child is attending school. He or she should be released from the workplace if not appearing in the last act or section of the performance.

Where a child performer is between 10 and 15-years-old, the combination of school and work hours should not exceed ten hours a day, when he or she is attending school.

### **Film, Television, and other Recorded Media**

Where an infant or child performer is less than 12-years-old, he or she should not spend more than eight hours a day at the workplace, excluding meal breaks.

Where a child performer is between 12 and 15-years-old, he or she should not spend more than 10 hours a day at the workplace, excluding meal breaks.

Where a child performer is 16 or 17-years-old, he or she should not spend more than 12 hours a day at the workplace, excluding meal breaks.

Every infant or child performer should have at least 12 continuous hours off between work shifts. Where the child performer is less than 12-years-old, the 12 hours is calculated as "door to door". Where the child performer is between 12 and 17-years-old, the 12 hours is calculated as "set to set".

### ***Breaks***

As outlined in Part II of this guideline, food and rest breaks should be scheduled with a frequency that is appropriate to the age of the child performer.

### **Live Performance**

Regular breaks should be scheduled as defined by industry standards, but in no case should they be less than 10 minutes for every two hours of work.

### **Film, Television, and other Recorded Media**

Where an infant or child performer is less than three-years-old, he or she should have a minimum 20-minute break after 15 consecutive minutes before the camera or under lights.

Where a child performer is between three and five-years-old, he or she should have a minimum 15-minute break after 30 consecutive minutes before the camera or under lights.

Where a child performer is between six and 11-years-old, he or she should have a minimum 10-minute break after 45 consecutive minutes before the camera or under lights.

Where a child performer is between 12 and 15-years-old, he or she should have a minimum 10-minute break after 60 consecutive minutes before the camera or under lights.

Where a child performer is between 16 and 17-years-old, he or she should have a minimum 5-minute break after 60 consecutive minutes before the camera or under lights.

### ***Food***

Information on a child performer's food sensitivities should be collected before he or she is provided with or exposed to foods.

In the film and television industry, the employer should provide a selection of healthy snacks and drinks in recognition of the special nutritional requirements of infant and child performers. Where an infant or child performer is under the age of 14 years, he or she should be fed meals on a schedule reasonably approximating their normal meal times.

### ***Minimum Age***

An infant performer who is less than 15-days-old should not be engaged to work.

### ***Psychological Stress***

When a child performer is engaged to perform subject matter that could be psychologically damaging to the child, or results in psychological stress, a psychologist or therapist who is properly accredited by the applicable ministry should be hired by the producer to guide and assist the child to handle the emotional and mental stress of such subject matter.

## **RESOURCES**

*Safety Guidelines for the Live Performance Industry in Ontario, 3<sup>rd</sup> edition, August 2005*

*Safety Guidelines for the Film and Television Industry in Ontario, 4<sup>th</sup> edition, January 1999*

Ropell-Baruchel, Robyne. *The Stage Mom Survival Guide*, ACTRA National, 111 pages, 2002.









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ISBN 978-1-4249-3967-1 (Print)  
ISBN 978-1-4249-3968-8 (HTML)  
ISBN 978-1-4249-3969-5 (PDF)

April 2007